## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

DIGERATI DISTRIBUTION & MARKETING Plaintiff,

vs.

CONRADICAL SÀRL and CONRAD GRINDHEIM BORRELL, Defendants. CASE NO: 1:22-CV-1302-DH

## ORDER AND FINAL JUDGMENT

Before the Court is the parties' Unopposed Motion to Motion to Dismiss, Dkt. 54. The parties request that the Court dismiss all claims and causes of action in the above-styled case with prejudice, with each party bearing its own fees and costs. *Id.* at 1.

The Court construes the parties' motion as a motion to dismiss pursuant to Federal Rule of Civil Procedure Rule 41(a)(2). Rule 41(a)(2) "allows plaintiffs to freely dismiss their suits, subject to court approval, provided the dismissal does not prejudice any party." *Templeton v. Nedllovd Lines*, 901 F.2d 1273, 1274 (5th Cir. 1990). The district court has discretion to grant a Rule 41(a)(2) motion to dismiss. *Manshack v. Sw. Elec. Power Co.*, 915 F.2d 172, 174 (5th Cir. 1990). Generally, motions for voluntary dismissal should be freely granted, unless the non-moving party can show it would suffer some plain legal prejudice. *Elbaor v. Tripath Imaging, Inc.*, 279 F.3d 314, 317 (5th Cir. 2002).

Here, both parties seek to voluntarily dismiss their claims and counterclaims

because all matters "have been fully settled and compromised and there is no further

need or occasion for prosecution of this suit." Id. at 2. The Court finds that neither

party will suffer prejudice from the dismissal of their claims.

Accordingly, the Unopposed Motion to Dismiss, Dkt. 54, is **GRANTED**. **IT IS** 

ORDERED that the claims and counterclaims in this case are DISMISSED WITH

PREJUDICE. IT IS FURTHER ORDERED that each party shall bear its own

costs.

As nothing remains to resolve, the court renders Final Judgment pursuant to

Federal Rule of Civil Procedure 58. IT IS ORDERED that this case is CLOSED.

**SIGNED** on June 11, 2024.

DUSTIN M. HOWELL

UNITED STATES MAGISTRATE JUDGE